

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address  Alan G. Tippie (CA Bar No. 89587) <i>atippie@sulmeyerlaw.com</i> Mark S. Horoupian (CA Bar No. 175373) <i>mhoroupian@sulmeyerlaw.com</i> Claire K. Wu. (CA Bar No. 295966) <i>ckwu@sulmeyerlaw.com</i> <b>SulmeyerKupetz</b> A Professional Corporation 333 South Grand Avenue, Suite 3400 Los Angeles, CA 90071 Telephone: 213.626-2311 Facsimile: 213.626-  <input checked="" type="checkbox"/> <i>Individual appearing without attorney</i> <input checked="" type="checkbox"/> <i>Proposed Attorney for: Howard M. Ehrenberg, Chapter 11 Trustee</i>	FOR COURT USE ONLY
<b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - SANTA ANA DIVISION</b>	
In re: <b>BRUCE ELIEFF</b>  (Substantively Consolidated with Morse Properties, LLC, 4627 Camden, LLC, Broadband Nation LLC, Hertiage Colorado LLC and TDV Development Corporation),          <div style="text-align: right;">Debtor(s).</div>	CASE NO.: 8:19-bk-13858-ES  Substantively Consolidated with Case Nos: 8:19-bk-13874-ES; 8:19-bk-13875-ES; 8:20-bk-10372-ES; 8:20-bk-10373-ES; and 8:20-bk-10374-ES)  CHAPTER: 11          <div style="text-align: center; font-weight: bold; font-size: 1.2em;">NOTICE OF SALE OF ESTATE PROPERTY</div>
<b>Sale Date:</b> July 23, 2020	<b>Time:</b> 10:30 a.m.
<b>Location:</b> Courtroom 5A 411 West Fourth Street Santa Ana, CA 92701-4593  (Telephone appearances only per Second Amended General Order 20-02)	

**Type of Sale:** ☒ Public ☐ Private

**Last date to file objections:** 07/09/2020

**Description of property to be sold:**  
 2392 Morse Avenue, Irvine, California 92614

**Terms and conditions of sale:**

Sale is free and clear of liens, and is subject to Court approval. Close of escrow should occur no later than August 31, 2020. Sale is subject to overbid.

**Proposed sale price:** \$7,500,000

**Overbid procedure (if any):**

- a) Only Qualified Bidders may submit an overbid. A “Qualified Overbid” is one that is noncontingent, accompanied by proof of funds and a nonrefundable deposit, and is on the same terms and conditions as the Sale Agreement, other than the price. The initial overbid must be at least \$6,850,000 in order to constitute a Qualified Bid. The Proposed Buyer is deemed to be a Qualified Bidder. Only the Proposed Buyer and other Qualified Bidders will be entitled to submit a Qualified Overbid or otherwise participate in the bidding process as bidders.
- b) Qualifying Overbids must be received by Brian Weiss of Force Ten Partners, LLC, at 20341 SW Birch, Suite 220, Newport Beach, CA 92660; e-mail: [bweiss@force10partners.com](mailto:bweiss@force10partners.com); phone: (949) 357-2368, no later than 5 p.m. on July 20, 2020, and must be accompanied by an earnest money deposit of \$300,000 (the “Bid Deadline”). The deposit must be made by wire transfer or be in the form of a cashier’s check payable to “Howard M. Ehrenberg, Chapter 11 Trustee”, so that the Trustee has access to the funds by the Bid Deadline. Wire transfer instructions will be provided on request.
- c) Each subsequent overbid must be made in minimum increments of at least \$75,000 and must be made orally at the time of the hearing at the Motion for approval of the Sale Agreement. Please note that the hearing will be conducted remotely, and the Court may require that the bidding take place outside of the Courtroom.
- d) Should a Qualified Bidder be deemed the successful bidder, the \$75,000 earnest money deposit given by such Qualified Bidder shall be deemed non-refundable, and if such Qualified Bidder thereafter fails to timely close escrow, such earnest money deposit shall be forfeited to the Estate as liquidated damages.
- e) Closing of escrow for sale of the Property shall occur no later than August 31, 2020.



**Overbid procedure (if any):**

- f) Any Qualified Bidder who participates in the auction sale may consent to become a back-up bidder, and if it chooses to do so its last and highest bid shall be deemed irrevocable and subject to acceptance by the Trustee should the successful bidder fail to close escrow. In such event, the Trustee will retain the earnest money deposit of such back-up bidder until the earlier of (i) the closing and effectiveness of the transactions contemplated in the prevailing bid, or (ii) three (3) business days following the termination of the Sale Agreement evidencing the prevailing bid, unless the Trustee elects to accept the bid of the back-up bidder as provided below. In the event the prevailing bidder fails to close the transaction contemplated in the Sale Agreement, then the Trustee shall be authorized, but not required, to close with the back-up bidder, without notice to any other party or further court order. If the Trustee decides to close with the back-up bidder, the Trustee and the back-up bidder shall have until the later of: (i) an additional five (5) calendar days from the date that the Trustee notifies the back-up bidder that its back-up bid has been accepted, or (ii) August 31, 2020 to close.
- g) All earnest money deposits of Qualified Bidders including the Proposed Buyer will be returned or refunded by the Trustee within three (3) business days of the conclusion of the sale hearing unless such bidder is the prevailing bidder or a back-up bidder.

**If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:**

Hearing Date: July 23, 2020  
Hearing time: 10:30 a.m.  
Location: Courtroom 5A  
411 West Fourth Street  
Santa Ana, CA 92701-4593

**Contact person for potential bidders (include name, address, telephone, fax and/or email address):**

Brian Weiss  
Force Ten Partners, LLC,  
20341 SW Birch, Suite 220, Newport Beach, CA 92660  
phone: (949) 357-2368  
e-mail: [bweiss@force10partners.com](mailto:bweiss@force10partners.com)

Date: July 6, 2020

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 333 South Grand Avenue, Suite 3400, Los Angeles, CA 90071.

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) July 6, 2020 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) July 6, 2020, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Bruce Elieff  
177 Shorecliff Road  
Corona Del Mar, CA 92625

☐ Service information continued on attached page.

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on

(*date*) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 6, 2020

*Date*

Cheryl A. Blair

*Printed Name*

/s/Cheryl A. Blair

*Signature*



**1. SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (“NEF”)**

*Julian K Bach on behalf of Creditor Courtesy NEF*  
*Julian@Jbachlaw.com, julianbach@sbcglobal.net*

*Julian K Bach on behalf of Creditor John P. King, Jr., Trustee of the King Family Trust Dated October 31, 2001; John P. King, Jr., Trustee of the John P. King, Jr. Retirement Trust Dated January 1, 2005; John P. King, Jr., Trustee of t*  
*Julian@Jbachlaw.com, julianbach@sbcglobal.net*

*Julian K Bach on behalf of Interested Party Courtesy NEF*  
*Julian@Jbachlaw.com, julianbach@sbcglobal.net*

*Christopher D Beatty on behalf of Creditor Courtesy NEF*  
*cbeatty@millerbarondess.com,*  
*esanchirico@millerbarondess.com;aransom@millerbarondess.com;docket@millerbarondess.com*

*Christopher D Beatty on behalf of Interested Party Courtesy NEF*  
*cbeatty@millerbarondess.com,*  
*esanchirico@millerbarondess.com;aransom@millerbarondess.com;docket@millerbarondess.com*

*Jeffrey S Benice on behalf of 3rd Pty Defendant Benice Law, APLC*  
*jsb@jeffreybenice.com*

*Jeffrey S Benice on behalf of 3rd Pty Defendant Jeffrey Benice*  
*jsb@jeffreybenice.com*

*Jeffrey S Benice on behalf of Defendant 4627 Camden, LLC*  
*jsb@jeffreybenice.com*

*Jeffrey S Benice on behalf of Defendant Benice Law*  
*jsb@jeffreybenice.com*

*Jeffrey S Benice on behalf of Defendant Bruce Elieff*  
*jsb@jeffreybenice.com*

*Jeffrey S Benice on behalf of Defendant Jeffrey S. Benice*  
*jsb@jeffreybenice.com*

*Jeffrey W Broker on behalf of Creditor Bond Safeguard Insurance Co. and Lexon Insurance Co.*  
*jbroker@brokerlaw.biz*

*Jeffrey W Broker on behalf of Creditor Miller Barondess LLP*  
*jbroker@brokerlaw.biz*

*Jeffrey W Broker on behalf of Interested Party Courtesy NEF*  
*jbroker@brokerlaw.biz*

*David I Brownstein on behalf of Creditor E.O.C. Ord, Inc.*  
*david@brownsteinfirm.com*

*Frank Cadigan on behalf of U.S. Trustee United States Trustee (SA)*  
*frank.cadigan@usdoj.gov*

*Greg P Campbell on behalf of Creditor JPMORGAN CHASE BANK, N.A.*  
*ch11ecf@aldridgepite.com, gc@ecf.inforuptcy.com;gcampbell@aldridgepite.com*

*Greg P Campbell on behalf of Creditor The Bank of New York Mellon FKA The Bank of New York, as Trustee for The Certificateholders of CWMBS, Inc., CHL Mortgage Pass-Through Trust 2005-02, Mortgage Pass-Through Certificates, Series 2005-02*  
*ch11ecf@aldridgepite.com, [gc@ecf.inforuptcy.com](mailto:gc@ecf.inforuptcy.com);gcampbell@aldridgepite.com*

*Greg P Campbell on behalf of Interested Party Courtesy NEF*  
*ch11ecf@aldridgepите.com, gc@ecf.inforuptcy.com;gcampbell@aldridgepите.com*

*Paul J Couchot on behalf of Debtor 4627 Camden LLC*  
*pcouchot@couchotlaw.com, admin@couchotlaw.com*

*Paul J Couchot on behalf of Debtor Morse Properties LLC*  
*pcouchot@couchotlaw.com, admin@couchotlaw.com*

*Paul J Couchot on behalf of Debtor Bruce Elieff*  
*pcouchot@couchotlaw.com, admin@couchotlaw.com*

*Paul J Couchot on behalf of Plaintiff 4627 Camden, LLC*  
*pcouchot@couchotlaw.com, admin@couchotlaw.com*

*Paul J Couchot on behalf of Plaintiff Morse Properties, LLC*  
*pcouchot@couchotlaw.com, admin@couchotlaw.com*

*Paul J Couchot on behalf of Plaintiff Bruce Elieff*  
*pcouchot@couchotlaw.com, admin@couchotlaw.com*

*Bryant S Delgadillo on behalf of Creditor JPMORGAN CHASE BANK, N.A.*  
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*James Denison on behalf of Creditor Courtesy NEF*  
*jameswdenison@aol.com*

*James Denison on behalf of Interested Party Courtesy NEF*  
*jameswdenison@aol.com*

*James Denison on behalf of Plaintiff Jacqueline Miller*  
*jameswdenison@aol.com*

*Howard M Ehrenberg (TR)*  
*ehrenbergtrustee@sulmeyerlaw.com, ca25@ecfcbis.com;C123@ecfcbis.com;hehrenberg@ecf.inforuptcy.com*

*Robert P Goe on behalf of Debtor Broadband Nation LLC*  
*kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com*

*Robert P Goe on behalf of Debtor Heritage Colorado LLC*  
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*Robert P Goe on behalf of Debtor TDV Development Corporation*  
*kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com*

*Robert P Goe on behalf of Interested Party Robert P Goe*  
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*Michael J Hauser on behalf of U.S. Trustee United States Trustee (SA)*  
*michael.hauser@usdoj.gov*

*Eric M Heller on behalf of Interested Party Courtesy NEF*  
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*James A Judge on behalf of Creditor Pelican Point Community Association*  
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*Lewis R Landau on behalf of Creditor Todd Kurtin*

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*Lewis R Landau on behalf of Defendant Todd Kurtin*  
*Lew@Landaunet.com*

*Lewis R Landau on behalf of Interested Party Courtesy NEF*  
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*Lewis R Landau on behalf of Plaintiff Todd Kurtin*  
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*William N Lobel on behalf of Creditor Stephan Elieff*  
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*John G McClendon on behalf of Creditor Banning Bench Community of Interest Association, Inc.*  
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*Edward J McNeilly on behalf of Creditor Committee Official Committee of Unsecured Creditors of Bruce Elieff*  
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*Byron Z Moldo on behalf of Interested Party Courtesy NEF*  
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*Edward O Morales on behalf of Creditor Todd Kurtin*  
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*Anthony J Napolitano on behalf of Creditor Zions Bancorporation, N.A. d/b/a California Bank & Trust*  
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*David L Prince on behalf of Interested Party Citi Investment Capital Inc*  
*dlp@redchamber.com*

*David L Prince on behalf of Interested Party Courtesy NEF*  
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*Richard J Reynolds on behalf of Interested Party Courtesy NEF*  
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*Caroline A Sayers on behalf of Creditor GJC Aircraft SPV 8, LLC*  
*csayers@lathropgage.com*

*Caroline A Sayers on behalf of Interested Party Courtesy NEF*  
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*Michael A Shakouri on behalf of Creditor Robert Nolan*  
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*Najah J Shariff on behalf of Creditor UNITED STATES OF AMERICA on behalf of the INTERNAL REVENUE SERVICE*  
*najah.shariff@usdoj.gov, USACAC.criminal@usdoj.gov*

*Najah J Shariff on behalf of Interested Party Courtesy NEF*

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*Jonathan Seligmann Shenson on behalf of Creditor Bond Safeguard Insurance Co. and Lexon Insurance Co.  
jshenson@shensonlawgroup.com*

*Jonathan Seligmann Shenson on behalf of Creditor Miller Barondess LLP  
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*Philip E Strok on behalf of Interested Party Courtesy NEF  
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*United States Trustee (SA)  
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*Claire K Wu on behalf of Interested Party Courtesy NEF  
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*Richard Lee Wynne on behalf of Creditor Miller Barondess LLP  
richard.wynne@hoganlovells.com, tracy.southwell@hoganlovells.com;cindy.mitchell@hoganlovells.com*

*Richard Lee Wynne on behalf of Creditor Committee Official Committee of Unsecured Creditors of Bruce Elieff  
richard.wynne@hoganlovells.com, tracy.southwell@hoganlovells.com;cindy.mitchell@hoganlovells.com*

*Richard Lee Wynne on behalf of Interested Party The Official Committee of Unsecured Creditors of Bruce Elieff  
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